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BOSTON MA 02109

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**FEB 09 2005**

**OFFICE OF PETITIONS**

In re Patent of :  
Freeman, et al. :  
Patent No. 6,723,705 :  
Issue Date: April 20, 2004 :  
Application No. 09/206,132 :  
Filing Date: December 7, 1998 :  
Attorney Docket No. RPI-008CPDV :

Decision on Petition

This is a decision on the petition under 37 CFR § 1.183, filed December 3, 2004, to waive the rules and accept the correction of the assignee data on the front page of the above-identified patent. The petition will be treated as a request under 37 CFR 3.81(b) to accept the correction of the assignee data.

The request under 37 CFR 3.81(b) is **dismissed**.

Effective June 25, 2004, 37 CFR 3.81(b) has been revised to no longer require the correction of the assignee data prior to issuance of the patent. Therefore, a petition to waive the rule is unnecessary. 37 CFR 3.81(b) currently states:

Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

In other words, the request under 37 CFR 3.81(b) will be granted when:

- (1) a request under 37 CFR 3.81 and the fee set forth in 37 CFR 1.17(i) are filed,
- (2) the assignment was submitted for recordation prior to issuance of the patent, and
- (3) a request for a certificate of correction and the fee set forth in 37 CFR 1.20(a) are submitted.

Petitioner has not met the requirements set forth above because petitioner has not submitted a

request for certificate of correction. Therefore, the request is **dismissed**.

Regarding finances, the processing fee set forth in 37 CFR 1.17(i) is \$130.00. Petitioner's deposit account was charged \$400.00. This leaves a balance of \$270.00. However, a \$100.00 certificate of correction fee is due and will be retained by the Office. Therefore, deposit account no. 12-0080 will be credited \$170.00.

Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**By hand:** U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**By FAX:** (703) 872-9306 – ATTN: Office of Petitions

The file is being forwarded to Files Repository.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.



E. Shirene Willis  
Petitions Attorney  
Office of Petitions